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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,528	02/23/2004	Arthur M. Brown	22884/04085	1521
24024 7590 03/31/2008 CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114				
EXAMINER				
SAJJADI, FEREDOUN GHOTB				
ART UNIT		PAPER NUMBER		
1633				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Continuation of 3. will not be entered because:

Applicants have amended base claim 4 to introduce the new limitation: "a viral vector which is delivered to said cancer cells by intratumoral or intralesional injection". The scope of the claims previously examined was directed to "delivering to and expressing in said cells a nucleic acid encoding KChAP protein". Applicants' claim amendment has altered the scope of the claimed invention, because the instant specification defines intralesional delivery as "nearly direct, i.e., intralesional, that is, to an area that is sufficiently close to a tumor" (paragraph [0075], p. 18. Thus, the instant claims encompass nucleic acid delivery to non-cancer cells in the vicinity of a tumor, constituting subject matter not previously examined; requiring new search and consideration of patentability.

Continuation of 11. does not place the application in condition for allowance because:

Applicants' arguments are based on the proposed amended claims. However, as these claims have not been entered, the arguments are not found to be persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREYDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fereydoun G. Sajjadi, Ph.D.
Examiner, Art Unit 1633

/Anne Marie S. Wehbe/
Primary Examiner, A.U. 1633